

ZB# 87-10

Leo & Kathleen Braun

75-5-6

81-70
~~81-70~~ - Braun, Leo & Kathleen
area variances

Prelim:-
9/27/86-

Public
Hearing
4/27/87

Notice to
Sentinel
on 5/18/87

General Receipt		8736
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		
Received of <u>Bloom & Bloom Co.</u>		<u>March 18</u> 19 <u>87</u>
<u>Twenty Five and 00/100</u>		\$ <u>25⁰⁰/₁₀₀</u>
For <u>3 B.A. Fee - 87-10</u>		DOLLARS
DISTRIBUTION:		
FUND	CODE	AMOUNT
check # 25, 00		
# 12411		
By <u>Pauline J. Townsend</u>		<u>EC</u>
<u>Town Clerk</u>		Title

Williamson Law Book Co., Rochester, N. Y. 14609

Oxford®

✱ ESSELTE

MADE IN U.S.A.

NO. 752 1/3

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

LEO BRAUN and KATHLEEN BRAUN

DECISION GRANTING
AREA VARIANCE

#87-10.

-----x

WHEREAS, LEO and KATHLEEN BRAUN, residing at 316 Burroughs Lane, New Windsor, N. Y. 12550, have made application before the Zoning Board of Appeals for an area variance for purposes of construction of deck on rear of above residential dwelling in an R-4 zone; and

WHEREAS, a public hearing was held on the 27th day of April, 1987 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants appeared with their attorney, Daniel J. Bloom, Esq.; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to construct a rear deck on single-family residential dwelling in an R-4 zone with insufficient rear yard.

3. The evidence presented by the applicant substantiated the fact that the proposed construction would not be detrimental to the neighboring properties.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicants will encounter practical difficulty if the variance requested is not granted due to the fact that applicants cannot obtain any additional property within which to construct deck.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

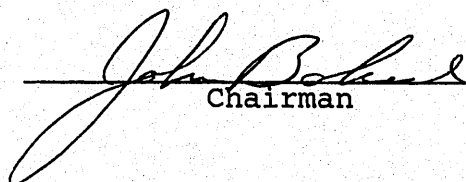
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT rear yard variance of 4 ft. 4 inches for a construction of a deck in accordance with plans submitted at public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: May 11, 1987.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

April 28, 1987

BLOOM & BLOOM
530 Blooming Grove Tpk.
P. O. Box 4323
New Windsor, N. Y 12550

Attn: Daniel J. Bloom, Esq.

RE: APPLICATION FOR AREA VARIANCE (DECK)
#87-10 - BRAUN, LEO & KATHLEEN

Dear Dan:

This is to confirm that the Zoning Board of Appeals made a decision to approve the above application for a variance at the April 27, 1987 public hearing.

Formal decision will be drafted at a later date and forwarded to you by return mail.

Very truly yours,

PATRICIA A. BARNHART
Secretary

/pab

cc: Town Planning Board
Town Building Inspector Babcock



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Patte

(8b)

March 17, 1987

Daniel Bloom, Esq.
P.O. Box 4323
New Windsor, NY 12550

Re: 75-5-6 Leo & Kathleen Braun

Dear Mr. Bloom:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$105.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Christian E. Jahrling
CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/cp
Attachments

Hinspeter, Timothy Jr. & Patricia
Crapanzano, Anthony & Anne
202 Melville Drive
New Windsor, NY 12550

Buconjic, Marijan & Alojzija
204 Melville Drive
New Windsor, NY 12550

Shankman, Harvey & Marcia
206 Melville Drive
New Windsor, NY 12550

Arteaga, Victor & Joann
208 Melville Drive
New Windsor, NY 12550

Pietrasqewski, Peter & Patricia
210 Melville Drive
New Windsor, NY 12550

Ohtako, Rydhei & Keiko
212 Melville Drive
New Windsor, NY 12550

Del-Rosso Domenick & Esther
214 Melville Drive
New Windsor, NY 12550

Jaffee, Michael N. & Laurie J.
216 Melville Drive
New Windsor, NY 12550

Zielinski, Stanley & Halina
53 Keats Drive
New Windsor, NY 12550

Sacco, Dennis A. & Madelyn
55 Keats Drive
New Windsor, NY 12550

Zielinski, Lech & Jolanta
57 Keats Drive
New Windsor, NY 12550

Stamp, Gary D. & Karen A.
59 Keats Drive
New Windsor, NY 12550

Toromanides, Sava & Anna
61 Keats Drive
New Windsor, NY 12550

Sullivan, William J. & Patricia I.
302 Stephenson Lane
New Windsor, NY 12550

Ullengren, Walter & Diane
304 Stephenson Lane
New Windsor, NY 12550

Spina, John A. & Karen A.
306 Stephenson Lane
New Windsor, NY 12550

Epstein, Jerry H. & Judith L.
305 Stephenson Lane
New Windsor, NY 12550

Baroud, Khaled & Pamela
307 Stephenson Lane
New Windsor, NY 12550

DeLaParte, Nicholas
Martinez, Ileana
58 Keats Drive
New Windsor, NY 12550

Twomey, Daniel J. & Susan F.
60 Keats Drive
New Windsor, NY 12550

Connotillo, Joseph L. & Doris A.
314 Burroughs Lane
New Windsor, NY 12550

Montone, Richard & Diane M.
211 Melville Drive
New Windsor, NY 12550

Grech, John M. & Carol A.
332 Hemmingway Road
New Windsor, NY 12550

Derrico, Carmine A. & Suzanne
334 Hemmingway Road
New Windsor, NY 12550

Stumpf, Warren E. & Jean H.
336 Hemmingway Road
New Windsor, NY 12550

Stewart, James L. Louise A.
318 Burroughs Lane
New Windsor, NY 12550

Williams, Raymond T. & Shanter S.
322 Burroughs Lane
New Windsor, NY 12550

Hyser, Revo & Vera
350 Shelly Road
New Windsor, NY 12550

D'Esposito, Celeste
352 Shelly Road
New Windsor, NY 12550

Pielli, Richard P. & Kim A.
354 Shelly Road
New Windsor, NY 12550

Ritosa, Joseph & Maria
323 Burroughs Lane
New Windsor, NY 12550

Scalia, Joseph M. & Theresa C.
321 Burroughs Lane
New Windsor, NY 12550

Iovino, Robert J. & Judith B.
319 Burroughs Lane
New Windsor, NY 12550

Woods, Peter J. & Barbara A.
317 Burroughs Lane
New Windsor, NY 12550

Tyler, Clifford E. Jr. & Patricia
315 Burroughs Lane
New Windsor, NY 12550

Resler, Andrew R. & Sharon J.
313 Burroughs Lane
New Windsor, NY 12550

Suraci, James D. & Patricia M.
311 Burroughs Lane
New Windsor, NY 12550

Stiliho, Frank J. & Lenore
66 Keats Drive
New Windsor, NY 12550

Swanson, Maurice & Theresa
76 Keats Drive
New Windsor, NY 12550

Bishop, Stacy
78 Keats Drive
New Windsor, NY 12550

Foti, Charles L. & Rose
80 Keats Drive
New Windsor, NY 12550

Deri, Louis E.
347 Shelly Road
New Windsor, NY 12550

Patterson, George H.
345 Shelly Road
New Windsor, NY 12550

Weeks, Robert & Dorothy Anne
343 Shelly Road
New Windsor, NY 12550

Herr, Gregory D. & Sandra
213 Melville Drive
New Windsor, NY 12550

Filipkowski, Raymond R. & Elizabeth
Byron Lane
New Windsor, NY 12550

Berger, Marc David & Barbara
371 Byron Lane
New Windsor, NY 12550

Pandolfi, Peter & Ernestine
369 Byron Lane
New Windsor, NY 12550

Boyle, Kevin & Deborah L.
363 Byron Lane
New Windsor, NY 12550

Oniffrey, Elmer G. & Barbara
365 Byron Lane
New Windsor, NY 12550

Peppersberg, Murray J.
219 Melville Drive
PO Box 4145
New Windsor, NY 12550

Hogan, Daniel & Ann Marie
342 Shelly Road
New Windsor, NY 12550

Hinspeter, Margaret
344 Shelly Drive
New Windsor, NY 12550

Castro, Roland D. & Sheila S.
346 Shelly Road
New Windsor, NY 12550

Dates, John W.
Baruffaldi, Marilyn
348 Shelly Road
New Windsor, NY 12550

Tammes, Bradley S. & Robin
63 Keats Drive
New Windsor, NY 12550

Bennett, Christopher K. & Frances
65 Keats Drive
New Windsor, NY 12550

Trinka, James E. & Rose M.
67 Keats Drive
New Windsor, NY 12550

Mann, Steven & Anna Dee
69 Keats Drive
New Windsor, NY 12550

Sinks, David E. & Debra A.
71 Keats Drive
New Windsor, NY 12550

Staudt, Donald & Patricia
73 Keats Drive
New Windsor, NY 12550

Kasprak, Robert J. & Catherine
75 Keats Drive
New Windsor, NY 12550

Mounier, Robert & Diane R.
77 Keats Drive
New Windsor, NY 12550

Faig, Robert A. Jr. & Antoinette
79 Keats Drive
New Windsor, NY 12550

Jordan, John B. & Lois A.
207 Melville Drive
New Windsor, NY 12550

Dietz, Eileen
205 Melville Drive
New Windsor, NY 12550

Casale, Emil A. & Regina
203 Melville Drive
New Windsor, NY 12550

Sandroff, Ronald H. & Carol M.
Ambrosio, Alfronsio J. & Vincenzo
201 Melville Drive
New Windsor, NY 12550

Luisi, Joseph F. & Louise J.
300 Stephenson Lane
New Windsor, NY 12550

Bell, Joseph F. & Angela T.
82 Keats Drive
New Windsor, NY 12550

Grehl, James A. & Judy Lynn
24 Cimorelli Drive
New Windsor, NY 12550

Brody, Michael & Kathleen M.
84 Keats Drive
New Windsor, NY 12550

Lauria, Michael R. & Jane
86 Keats Drive
New Windsor, NY 12550

Peffer, Ralph C. & Mary E.
88 Keats Drive
New Windsor, NY 12550

Grieco, Stephen & Donna
89 Keats Drive
New Windsor, NY 12550

Tantillo, Thomas & Gisele
87 Keats Drive
New Windsor, NY 12550

Hogan, William P. & Lisa P.
85 Keats Drive
New Windsor, NY 12550

Talbot, Leo C. & Sandra I.
83 Keats Drive
New Windsor, NY 12550

Goldenberg, Joseph & Hannah
380 Frost Lane
New Windsor, NY 12550

Clinton, Frank & Sally
452 Union Avenue
New Windsor, NY 12550

Davis, Clifford E. & Elizabeth H.
14 Cimorelli Drive
New Windsor, NY 12550

Krizek, Michael K. & Pamela J.
16 Cimorelli Drive
New Windsor, NY 12550

Dulude, Daniel D. & Joyce F.
18 Cimorelli Drive
New Windsor, NY 12550

Zamzow, Carl H. III & Regina L.
20 Cimorelli Drive
New Windsor, NY 12550

Nasser, Roland G. & Betty M.
22 Cimorelli Drive
New Windsor, NY 12550

Prelim.
9/22/86

7:30 p.m.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

86-36.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 8/25/, 1985

To KATHLEEN L. K. + LEO C. BRAUN III

316 BURROUGHS LANE

NEW WINDSOR

PLEASE TAKE NOTICE that your application dated 8/25/, 1985

for permit to ~~REAR~~ BUILD DECK

at the premises located at 316 BURROUGHS LANE

is returned herewith and disapproved on the following grounds:

REAR YARD 30' THEY HAVE 25' 8" FEET
VARIANCE REQ 4' 4" - for Deck only.

Michael Bebra
Building Inspector

ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

86-36-

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REAR YARD 30' THEY HAVE 25' 8" FEET
VARIANCE REQ 4' 4" - For Deck only.

Michael Buback
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	<u>1</u>	<u>1</u>
Reqd. Rear Yd.	<u>30'</u>	<u>25' 8"</u>
Reqd. Street Frontage*		<u>4' 4"</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved s/c.....
 Permit No.

Office of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer —
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....8/25/.....19...86.

INSTRUCTIONS

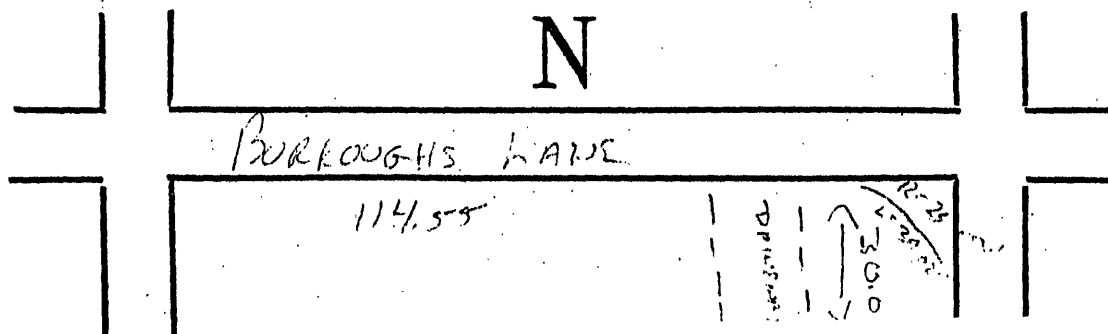
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....*Kellen L. Brown*.....316 Burroughs Lane New Windsor, N.Y. 12550
 (Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
 Applicant must indicate the building line or lines clearly and distinctly on the drawings.

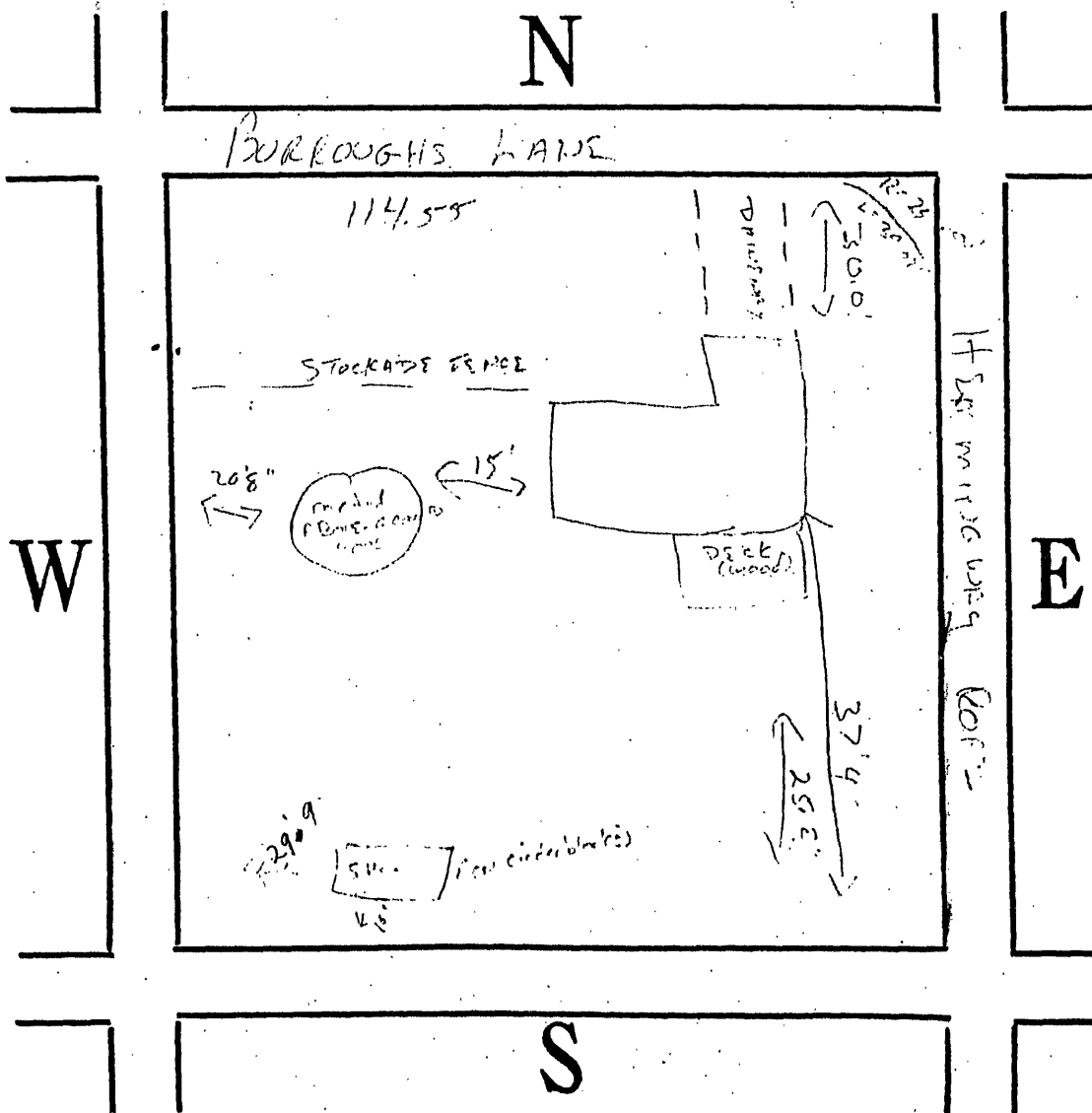


Date.....8/25/.....19...86..

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
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.....
 (Signature of Applicant) 316 Burroughs Lane New Windsor, N.Y. 12550
 (Address of Applicant)

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Name of Owner of Premises Kathleen L. K. & Leo C. Rouns III
Address 316 Burroughs Lane New Windsor NY Phone 1244 (914) 565-7702
Name of Architect.....
Address..... Phone.....
Name of Contractor Ind. Inpro Homes Inc
Address Englewood Cliffs, N.J. Phone.....
State whether applicant is owner, lessee, agent, architect, engineer or builder:.....
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the.....side of Burroughs Lane
(N. S. E. or W.)
andfeet from the intersection of Hammingway Road
R 4
2. Zone or use district in which premises are situated.....
3. Tax Map description of property: Section..... Block..... Lot.....
75 5 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy home b. Intended use and occupancy home
5. Nature of work (check which applicable): New Building.....Addition.....Alteration.....Repair.....Removal.....
Demolition.....Other.....
6. Size of lot: Front 114'3" Rear 140'29" Depth 100' Front Yard 30' Rear Yard 37'4" Side Yard 53'2"
Is this a corner lot? YES
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units...1... Number of dwelling units on each floor.....
Number of bedrooms...4... Baths...3... Toilets...3...
Heating Plant: Gas...✓... Oil..... Electric...../Hot Air..... Hot Water...✓...
If Garage, number of cars...2...
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....no.....
10. Estimated cost..... Fee.....
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be

Address... Englewood Cliffs, N.J. Phone 38

State whether applicant is owner, lessee, agent, architect, engineer or builder.....

If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the.....side of Burrage Lane
(N. S. E. or W.)
andfeet from the intersection of Hermingway Road
2. Zone or use district in which premises are situated R-4
3. Tax Map description of property: Section.....75 Block.....5 Lot.....6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy home b. Intended use and occupancy home
5. Nature of work (check which applicable): New Building.....Addition.....Alteration.....Repair.....Removal.....
Demolition.....Other.....
6. Size of lot: Front 114'35" Rear 140'29" Depth 100' Front Yard 30' Rear Yard 37'4" Side Yard 53'2"
Is this a corner lot? Y. E.S.
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories.....
8. If dwelling, number of dwelling units...1... Number of dwelling units on each floor.....
Number of bedrooms...4... Baths...3... Toilets...3...
Heating Plant: Gas...✓ Oil..... Electric...../Hot Air..... Hot Water...✓...
If Garage, number of cars...2...
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....no.....
10. Estimated cost..... Fee.....
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS — 565-8807

- 1—When excavating is complete and footing forms are in place (before pouring).
- 2—Foundation Inspection - check here for waterproofing and footing drains.
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4—When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.
- 6—Driveway inspection must meet approval of town Highway Inspector.
- 7—\$20.00 charge for any site that calls for the same inspection twice.

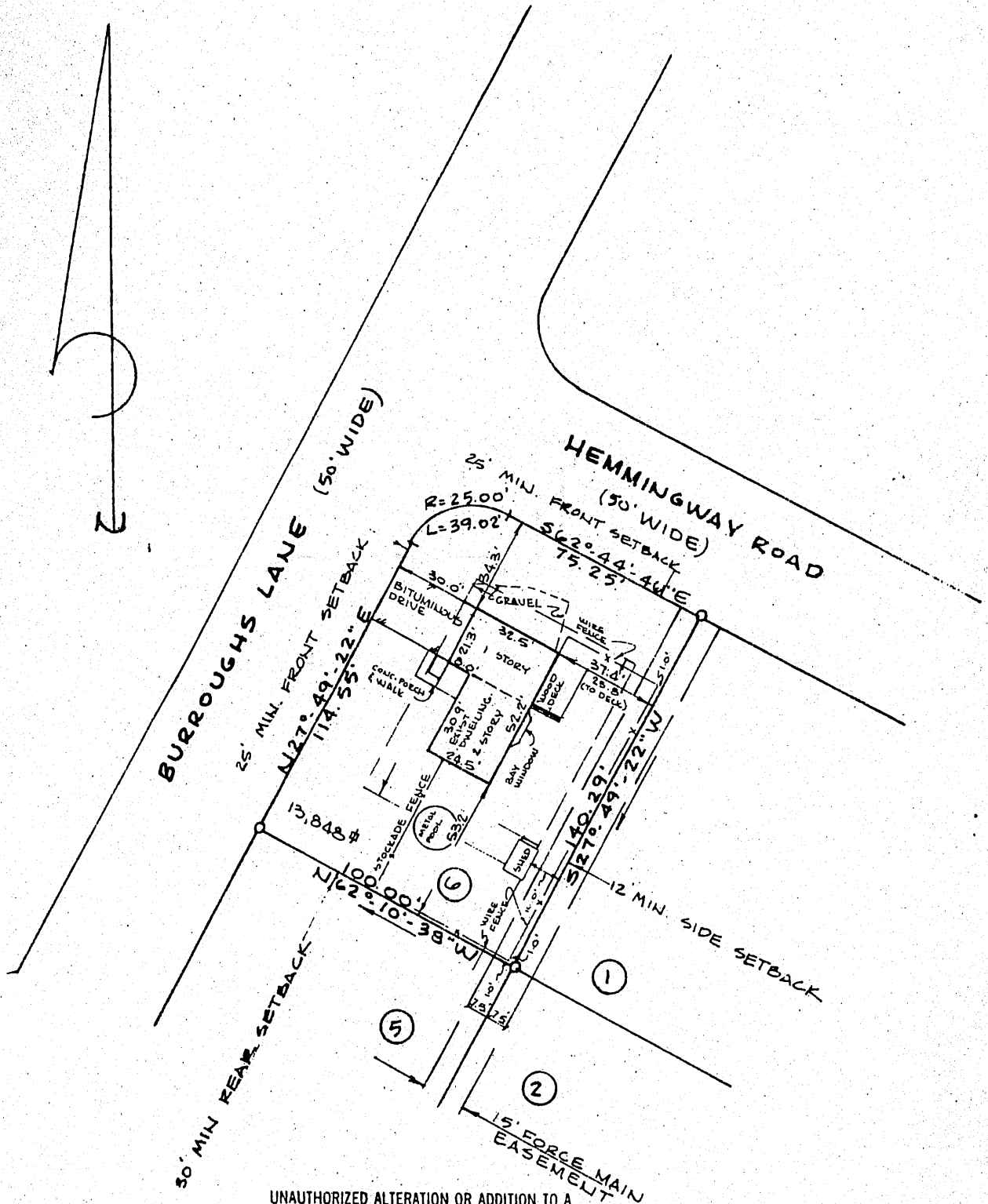
SURVEY OF PROPERTY

AT

NEW WINDSOR
ORANGE COUNTY

TOWN OF NEW WINDSOR

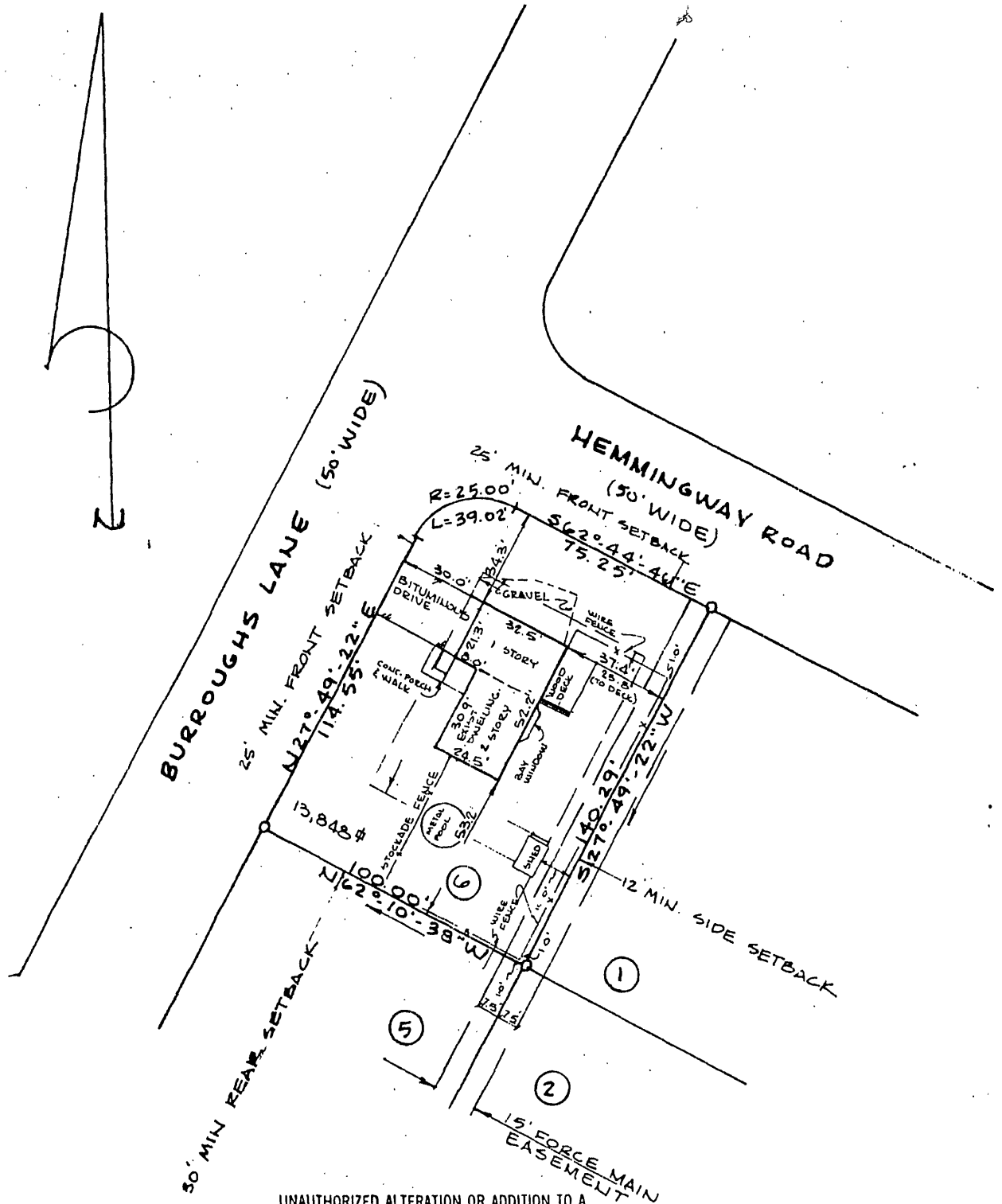
NEW YORK



UNAUTHORIZED ALTERATION OR ADDITION TO A
SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
7209, SUB-DIVISION 2, OF THE NEW YORK
STATE EDUCATION LAW.
COPIES OF THIS SURVEY MAP NOT HAVING THE
EMBOSSED SEAL OF THE LAND SURVEYOR SHALL
NOT BE VALID.
GUARANTEES OR CERTIFICATIONS ARE NOT
TRANSFERABLE TO ADDITIONAL INSTITUTIONS
OR SUBSEQUENT OWNERS.

CERTIFIED CORRECT AND ACCURATE TO
LEO C. BRAUN III AND KATHLEEN L.K. BRAUN
EXPRESS MORTGAGE CORPORATION
COMMONWEALTH LAND TITLE INSURANCE COMPANY

BEING LOT 6 BLOCK F
MAP OF WINDSOR COUNTRY CLUB ESTATE
FILED IN THE OFFICE OF THE
ORANGE COUNTY CLERK



UNAUTHORIZED ALTERATION OR ADDITION TO A
SURVEY MAP BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION OF SECTION
7209, SUB-DIVISION 2, OF THE NEW YORK
STATE EDUCATION LAW.
COPIES OF THIS SURVEY MAP NOT HAVING THE
EMBOSSSED SEAL OF THE LAND SURVEYOR SHALL
NOT BE VALID.
GUARANTEES OR CERTIFICATIONS ARE NOT
TRANSFERABLE TO ADDITIONAL INSTITUTIONS
OR SUBSEQUENT OWNERS

CERTIFIED CORRECT AND ACCURATE TO
LEO C. BRAUN III AND KATHLEEN L.K. BRAUN
EXPRESS MORTGAGE CORPORATION
COMMONWEALTH LAND TITLE INSURANCE COMPANY

Charles G. Young
ADLER & YOUNG, P.C.
PROFESSIONAL ENGINEERS
87 DEMAREST MILL RD
MANHATTAN NY

FOUNDATION LOCATION 7/12/78
UPDATE 10/14/81
VINYL CIVILIZATION 11/5/81
UPDATE SURVEY - 5/19/82

BEING LOT 6 BLOCK F
MAP OF WINDSOR COUNTRY CLUB ESTATE
FILED IN THE OFFICE OF THE
ORANGE COUNTY CLERK
ON 4-1-74 AS MAP NO. 316
POCKET 15 FOLDER A

SCALE 1" = 50' DATE

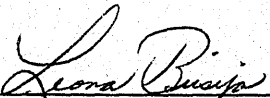
DWG. BY
REV.
SURVEY
PLOT
CHECK

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
 : ss.:
COUNTY OF ORANGE)

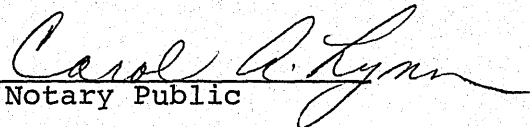
LEONA BUSIJA, being sworn says: I am not a party to the action, am over 18 years of age, and reside at New Windsor, New York.

On March 23, 1987, I served a true copy of the annexed Public Notice of Hearing by mailing the same in a sealed envelope, with postage prepaid thereon, certified mail, return-receipt requested, in a post-office or official depository of the U.S. Postal Service in New Windsor, New York, addressed to the last known address of the addressees as indicated in SCHEDULE "A" attached hereto.



Leona Busija

Sworn to before me this
23rd day of March, 1987.



Notary Public

CAROL A. LYNN
NOTARY PUBLIC, State of New York
Residing in Orange County
4527111
Commission Expires 11-30-88

TPB

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

87-10.
~~86-36~~

Date: 3/18/87.

316 Burroughs Lane
New Windsor, N.Y. 12550

I. Applicant Information:

- (a) Leo C. Braun, III, and Kathleen L. K. Braun (914) 565-7707
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- | | |
|---|---|
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Sign Variance |
| <input checked="" type="checkbox"/> Area Variance | <input type="checkbox"/> Special Permit |

III. Property Information:

- (a) R-4 316 Burroughs Lane, New Windsor 75-5-6
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 11/06/81
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: existing shed on premises in rear yard, within bounds.

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	<u>1</u>	<u>1</u>
Reqd. Rear Yd.	<u>30'</u>	<u>25'8"</u>
Reqd. Street Frontage*		<u>4'4"</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Applicants' family has become accustomed to utilizing the subject rear deck since the purchase of the house in 1981. The removal of said deck would result in the destruction of the backyard area as well as the inconvenience to the family, should applicants have to build a smaller deck. Moreover, deck was already constructed when applicants purchased property on 11/6/81. They did not know it violated the Zoning Ordinance until they refinanced their mortgage in August, 1986.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u>sq.ft.</u>	<u>sq.ft.</u>	<u>sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The deck has existed since prior to 1981 when applicants purchased the house. It has never caused any problems in the neighborhood since that date.

IX. Attachments required: (Notice of Disapproval of Building Permit)

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☐ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date March 13, 1987

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Kathleen L.K. Braun
Kathleen L.K. Braun

Leo C. Braun, III
(Applicant)
Leo C. Braun, III

Sworn to before me this

13th day of March, 1988 87

Harriet Klein
HARRIET KLEIN
NOTARY PUBLIC, State of New York
Residing in Orange County
Commission Expires 9-30-88

XI. ZBA Action:

(a) Public Hearing date _____.

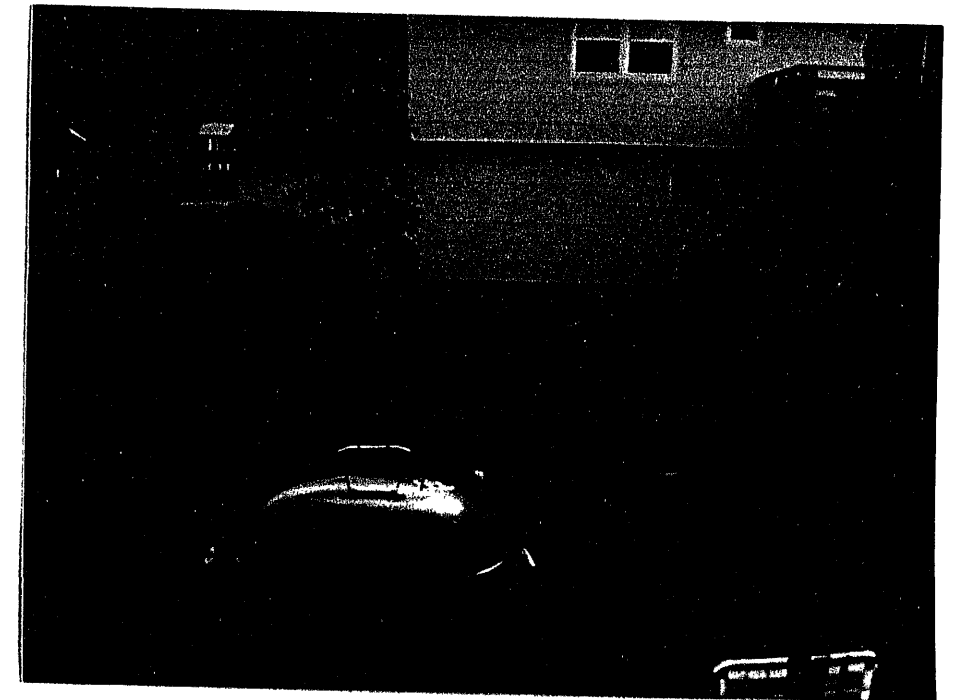
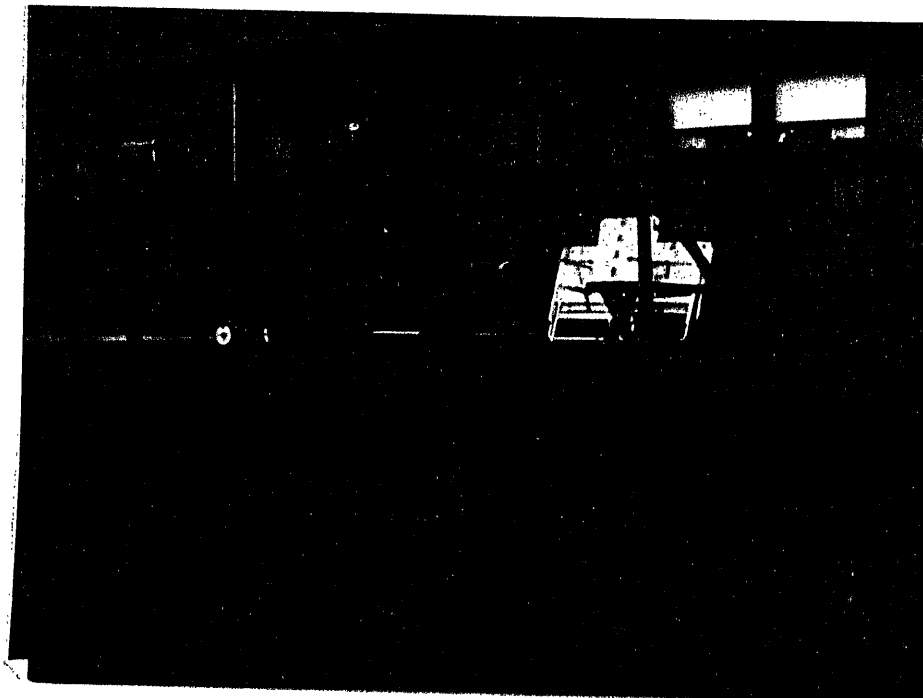
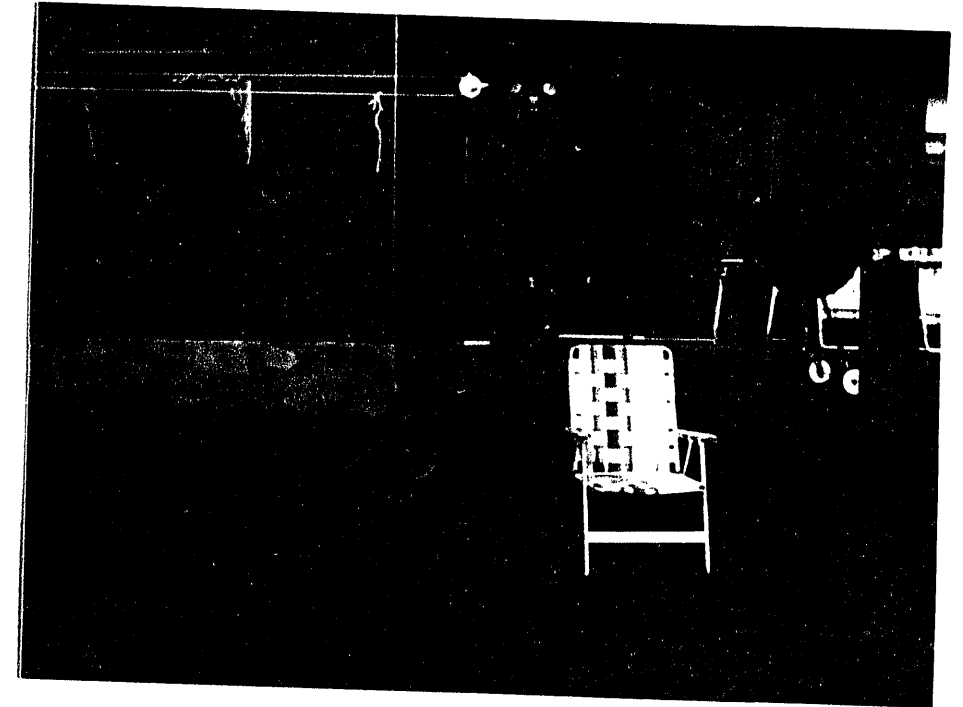
(b) Variance is _____.

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

LEO C. BRAUN, III and KATHLEEN L. K. BRAUN





Louis Heimbach
County Executive

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ADVISORY REPORT

Date MARCH 26, 1987
Dept. of P&D No. NDT 43-87M
County I.D. No. NOT SUPPLIED

Applicant LEO AND KATHLEEN BRAUN
Proposed Action AREA VARIANCE TO PERMIT CONTINUATION
OF REAR DECK
Location 316 BURROUGHS LANE

As requested, we have reviewed the above and report as follows:

☒ No County action RECORDED CAN BE TAKEN

☐ There are no apparent major planning considerations and/or issues to be brought to your attention.

☐ The following should be considered:

FORWARDING OF COMPLETE APPLICATION

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

APR 7 1987

BY:

Patricia A. Lankart

Peter Garrison

Reviewer

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 10

Request of LEO C. BRAUN, III and KATHLEEN L.K. BRAUN

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to

permit continued existence of rear deck on
on premises, set back only 25'8" from rear
yard line

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12 - Table of Use/Bulk. Reg. - Col. G.
for property situated as follows:

No. 316 Burroughs Lane, Town of New Windsor,
County of Orange, State of New York

SAID HEARING will take place on the 27th day of
April, 1987, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Jack Babcock.
Chairman